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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

OCT 29 1996

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of

Amendment of Section 73.202(b)
Table of Allotment
FM Broadcast Stations
Big Pine Key, Key Colony Beach,
Naples, Tice, etc., Florida

and

In re Application of

STERLING COMMUNICATIONS CORP.
Station WSGL(FM), Naples, Florida

For Construction Permit to Modify
Licensed Facilities (One-Step Upgrade)

MM Docket No. 94-155

RM-8468 and RM-8802

DOCKET FILE COPY ORIGINAL

File No. BPH-960613IC

TO: Chief, Allocations Branch

OPPOSITION TO "MOTION TO DISMISS OR STRIKE . . ."

Sterling Communications Corp., licensee of Station WSGL, Naples, Florida, by its attorney, hereby opposes the **"Motion to Dismiss or Strike . . . Defective Counterproposal/Application"** filed herein by Palm Beach Radio Broadcasting, Inc. ("WPBZ"), and Gulf Communications Partnership ("WAAD") on October 7, 1996, stating as follows:

Movants seek dismissal of WSGL's Comments of June 10, 1996 herein, as well as WSGL's Application BPH-960613IC to modify WSGL's facilities through a one-step up-grade from Channel 276C3 to Channel 276C2. Their motion is based upon two independent arguments: (1) That Sterling's Comments and application represent

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an untimely "counterproposal" advanced in "reply comments," and thus not entitled to consideration; and (2) That Sterling's upgrade application is fatally defective for its failure to specify an "allotment reference site" -- and that no such site could be specified, because §73.207 spacing requirements would place any such site "some 5 kilometers offshore in the Atlantic Ocean [sic]". Each of these contentions is without merit, as will be shown below.

I. Sterling's June 10, 1996 "Comments"
Cannot Be Deemed "Reply Comments"
As to Petitioner's Proposals For
A Change in WSGL's Channel Allotment

This proceeding commenced in 1994 with a proposal by Movant Gulf to change allotments in four Florida communities involving three operating stations (including Gulf's WAAD, Tice, Florida) and one unbuilt permit (Notice of Proposed Rulemaking released December 27, 1994, 10 FCC Rcd 24). Nothing in that Notice implicated Station WSGL, or Channel 276 on which it is licensed. WSGL's licensed community of Naples was involved only to the extent that the Gulf proposal involved a change in the allotment for Station WNOG(FM), Naples, from Channel 228A to 284A -- a change to which WSGL was indifferent. As Sterling's interests were unaffected by any aspect of that proposal, Sterling filed no comments.

On the specified comment date of February 17, 1995, three licensees and one permittee of stations in four other communities

(self-styled "Counterproponents"¹) -- none of which was implicated by the original proposal contained in the NPRM -- filed their "Joint Comments and Counterproposal" proposing two "Alternatives," each of which proposed a total of eight allotment modifications, six of which involved channel changes. Neither "alternative" accommodated Gulf's original proposal to upgrade its Station WAAD at Tice. Both alternatives proposed the modification of WSGL's license to specify operation on Channel 284C3 in lieu of its existing Channel 276C3, to enable the upgrade of WPBZ at Indiantown from 276C2 to 276C1.²

On the specified date for reply comments, the Counterproponents, joined by Gulf (WAAD), filed Joint Reply Comments in which they requested that proceedings on the Counterproponents' earlier proposals be stayed, and that yet a further alternative -- the so-called "Joint Resolution" be placed on public notice for comment. The "Joint Resolution" proposed seven channel changes and one change in licensed community³; it

¹ The "Counterproponents" were the licensees of FM Stations WPBZ, Indiantown; WROC, Fort Myers Villas; and WAFC, Clewiston; and the permittee of Station WJBW, Jupiter.

² The Counterproponents acknowledged that their core proposals had been rejected in MM Docket No. 93-136, and that their petition for reconsideration thereof was still pending. That Petition was subsequently denied by Memorandum Opinion and Order released June 14, 1995 (DA 95-1250). The Counterproponents timely filed an Application for Review thereof, but on May 21, 1996, requested its dismissal.

³ WAAD's joining with the "Counterproponents" was based upon its proposal that WAAD be licensed to Estero, Florida, rather than Tice, and be upgraded from 229A to 229C2.

continued to propose the modification of WSGL's license to Channel 284C3, and the upgrade of WPBZ at Indiantown from 276C2 to 276C1.

Over one year later -- on May 15, 1996 -- WPBZ and WAAD filed a "**Supplement to Joint Reply Comments . . .**", proposing yet a further alternative: that WAAD be upgraded at Tice from 229A to 292C2, and that WNOG at Naples remain on 228A, rather than be modified to 284A (as proposed in the NPRM) or to 292A (as proposed in the "Joint Resolution" offered in their "**Joint Reply Comments**" of March 6, 1995).

Just nine days later -- on May 24 -- the Commission released its Public Notice by which it treated the ultimate proposal of May 15, 1996, as a "counterproposal" in the instant Docket, and invited "Reply Comments" with respect thereto.⁴

Given that Movants' own proposals were still being revised fifteen months after the original comment date in this proceeding, it is rather surprising that Movants challenge the timeliness of WSGL's upgrade application. Their argument (§6)

⁴ The Public Notice (Report No. 2134) identified only Gulf (WAAD) as the Petitioner, and described its proposal as having been received February 17, 1995, despite the fact that the detailed changes upon which comment was sought represented the iteration first advanced in the Joint Supplement just nine days earlier.

Moreover, although the Movants had acknowledged that their proposed change in the allotment for WSGL was non-consensual, the Public Notice was silent as to any "Order to Show Cause" directed to WSGL, although Section 1.87(a) and (b) of the Commission's Rules clearly requires such a procedure as a prerequisite to modification of WSGL's license.

that WSGL's application is a "counterproposal" which was required to be filed by February 15, 1995 (the initial comment date established by the NPRM) glosses over the fact that nothing in the NPRM suggested any change in WSGL's allotment.⁵ Thus, as of the initial comment date, WSGL had no notice that this proceeding would have any affect upon it.

Under Movants' theory, WSGL as a practical matter would never have the right to present an upgrade on its existing channel as an alternative to their counterproposal channel change for WSGL. Such a theory is totally offensive to the most elemental concepts of due process, as embodied in the Administrative Procedure Act (5 U.S.C. § 553), and would bestow upon a counterproposal which injects a new station into a rule making proceeding a preemptive quality which the Commission has never recognized,⁶ and may not accept without violating its own

⁵ The reference to Naples in the caption related to Gulf's proposal that WNOG's allotment be changed to 284A -- a matter to which WSGL was indifferent. That proposal clearly did not serve as notice to WSGL that its own license might be modified to specify operation on Channel 284C3: Indeed, the NPRM proposal that WNOG be switched to Channel 284A is patently in conflict with the Movants' proposal that WSGL be allotted Channel 284C3.

⁶ None of the cases cited by Movants addresses a factual situation remotely resembling that present here.

Rule 1.87,⁷ Section 316 of the Communications Act, and the Administrative Procedure Act.

II. WSGL, By Amendment to its Application,
Is Specifying an Allotment Site In
Compliance With The Rules

Movants are correct in their assertion that WSGL's up-grade application failed to specify a fully-spaced allotment site. However, they err in claiming that no such site exists on land, and that the coordinates of a fully-spaced site fall 5 kilometers off-shore, in the "Atlantic Ocean" (by which they apparently refer to the Gulf of Mexico).

As reflected in the attached Engineering Statement, and in the Amendment to WSGL's application being filed concurrently herewith, a suitable site in Naples exists which is fully-spaced as to both WFKZ(FM) and to WPBZ(FM)'s authorized site in its construction permit BPH-950512MI granted December 5, 1995. Movant's claim that no fully-spaced site is available on land is based upon their exclusive reference to WPBZ's currently licensed site.

Section 73.208(a)(1) of the Rules, prioritizing reference points to be used in allotment proceedings, specifies as the

⁷ Section 1.87 of the Rules provides, pertinently:

"(a) Whenever it appears that a station license or construction permit should be modified, the Commission shall notify the licensee or permittee in writing of the proposed action and reasons therefor and afford the licensee or permittee at least thirty days to protest such proposed order of modification . . ."

first priority "transmitter sites, if authorized, or if proposed in applications with cut-off protection . . ." An "authorized" site is a "transmitter site specified in a license or permit;" Annette B. Godwin, 7 FCC Rcd 3140, at 3141 (¶5) (1992). Inasmuch as WPBZ's recently-granted construction permit manifests its intention to move from its licensed site, it should be deemed the "authorized" site within the meaning of §73.208(a)(1).

III. Conclusion

As amended, WSGL's upgrade application fully complies with the Commission's Rules. The "Motion to Dismiss or Strike . . ." should accordingly be denied.

Moreover, as the foregoing history of the filings herein shows, the Commission's May 24, 1996 Public Notice -- treating the "joint resolution" of May 15, 1996 as a timely-filed "counter-proposal" of February 15, 1995 -- was procedurally inappropriate, even without regard to its failure to comply with Section 1.87 of its rules respecting the proposed modification of WSGL's license. Given the requirements of that Rule, the Commission must issue a Further Notice of Proposed Rule Making, and (if it chooses to adopt Movants' proposal respecting WSGL) an

Order to Show Cause why WSGL's license should not be modified as
Movants propose.

Respectfully submitted,

STERLING COMMUNICATIONS CORP.

By: 

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Fifth Floor
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October 29, 1996

Its Attorney

**ENGINEERING STATEMENT
FOR
STERLING COMMUNICATIONS CORP - WSGL (FM)
ONE-STEP UPGRADE APPLICATION
CHANNEL 276C2; 50 kW ERP
NAPLES, FLORIDA
BPH-960613IC-MM DOCKET NO. 94-155
RESPONSE TO MOTION TO DISMISS OR STRIKE**

OCTOBER 25, 1996

BACKGROUND

Sterling Communications Corp., ("Sterling"), licensee of FM station WSGL (FM), in Naples, Florida submitted a request for a one-step upgrade of its current channel assignment, proposing to replace channel 276C3 with channel 276C2. The application was filed pursuant to FCC Report and Order, MM Docket 92-159, released July 13, 1993, ("Order") regarding the one-step upgrade process.

Palm Beach Radio Broadcasting, Inc. ("Palm Beach"), licensee of station WPBZ (FM), in Indiantown, Florida, and Gulf Communications partnership ("Gulf"), permittee of station WAAD (FM), in Tice, Florida (Together, "the Parties"), have submitted a Motion to Dismiss or Strike ("Motion") the Sterling application alleging that it is defective and fails to represent the most "efficient use of the channel".

As the consulting engineer to Sterling, I was responsible for the preparation of the one-step application and am familiar with the Motion to Strike. With regard to the Parties' allegation concerning the defective Naples application, I respond as follows.

DEFECTIVE ONE-STEP APPLICATION

The Parties' allege that the Sterling application is defective "....for its failure to comply with the one-step process...". Specifically, the Parties' claim that Sterling failed to include an allotment site map, a city coverage map, a distance separation study, and a statement of site suitability. While this information may have been inadvertently omitted from the one-step application, pursuant to the Order, failure to include the Exhibit does not render the application defective. (See footnote 21 of the Order). Nonetheless, Sterling did evaluate its eligibility to submit a one-step application by conducting an analysis which addressed each item indicated above. The analysis Sterling conducted concluded that its proposal was in compliance with the applicable standards provided in the Order.

Even though the original "One-Step" evaluation contained inaccurate data provided by the commercial database company, Dataworld, Inc., see Exhibit 1, its one-step application is still acceptable. Specifically, the original Dataworld study completed at the time the one-step application was prepared shows that WPBZ was issued a license for a fully spaced site. Upon further investigation, the WPBZ site in question is an authorized construction permit site. Nonetheless, the application can be processed as a one-step application based on the fact that Station WPBZ has been granted a construction permit for transmitter site that provides for a fully spaced reference site location. Exhibit 2 is a corrected allocation study which shows both the WPBZ licensed and permitted sites.

Consistent with Section 73.208(a)(1)(I), of the Commission's Rules, Sterling can utilize the WPBZ authorized construction permit site for the purposes of calculating a reference site coordinate in its one-step upgrade application. Further, as referenced in the Order, at footnote 22, the Commission recognizes that in certain instances application proposing sites that conflict with modification applications filed earlier do exist and that any conflict observed would be eliminated through the authorization of a license. In this

instance, it is expected that WPBZ has, or will be granted a license for its new site location shortly.


As demonstrated in Exhibit 3, a reference site would meet the allotment standards with respect to the spacing and city grade coverage requirements. Exhibit 4 provides a complete demonstration that the community of service is provided with a 70dBu contour as required by the Commission. Furthermore, this fully spaced reference site location is suitable for tower construction since it is not located off shore or in a national or state park in which tower construction is prohibited, nor is the reference site on an airport, or otherwise in an area which would necessarily present a hazard to air navigation.

In accordance with the Order, at footnote 21, Sterling is simultaneously submitting an amendment pursuant to 47CFR Section 73.3522(a)(6) of the Commission's Rules. This amendment provides clear and concise evidence that a reference coordinate for a suitable site that meets the allotment standards for the proposed channel and class is available to Sterling.

CONCLUSION

As shown in the attached, the upgrade allocation does possess a reference site location that is suitable under FCC Report and Order, MM Docket 92-159, released July 13, 1993 pertaining to reference site locations that meet allotment standards with respect to spacing and city grade coverage.

By


Richard L. Vega, Jr. Its Consulting Engineer
The Richard L. Vega Group, Inc.
1245 W. Fairbanks Avenue, Suite 380
Winter Park, Florida 32789
(407) 539-6540

Date

October 29, 1996

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EXHIBIT 1
STERLING COMMUNICATIONS CORP.
NAPLES, FLORIDA

Page 1
October 18, 1996

FM Spacing Study

ORIGINAL STUDY

Title: Sterling Comm Corp.
Channel 276C2 (103.1 MHz)
Database: DW 10/17/96

Latitude: 26-06-56
Longitude: 81-48-03
Safety zone: 5 km

Call	Auth	Licensee name	Chan	ERP-kW	Latitude	Br-to	Dist.	Req.
City of License	St	FCC File no.	Freq	EAH-m	Longitude	-from	(km)	(km)
=====	=====	=====	=====	=====	=====	=====	=====	=====
WCMQ-FM LIC	SPANISH	BCG SYSTEM OF FL	222C2	31	25-46-29	102.9	165.8	20
HIALEAH		FL BMLH-931115KC	92.3	189	80-11-19	283.6	145.8	CLEAR
Ant: Elec. Res. Inc.		G5CPS-4AE						

WKZY	APP	INTERMART BCG WEST COAST	223C3	8	26-44-23	25.8	76.96	17
LABELLE		FL BMPH-960829IB	92.5	49	81-27-44	206.0	59.96	CLEAR
Received per FCC release #23825 dated 09/13/96, accepted per 23833 dated 09/25/96								

WHPT	LIC	PAXSON TAMPA LICENSE, LP	273C	100	27-24-30	342.9	150.0	105
SARASOTA		FL BLH-890126KE	102.5	503	82-15-00	162.7	45.04	CLEAR
Was WHVE 12/30/91 per FCC release #173 dated 12/20/91								

WMXJ	LIC	JEFFERSON-PILOT COMM. CO	274C	100DA	25-57-59	95.6	160.2	105
POMPANO BEACH		FL BMLH-940613KF	102.7	307	80-12-33	276.3	55.16	CLEAR
See DELRAY BEACH FLA; Was WCKO 03/04/85; DA: Harris TAC-6M-DA @ 0 deg								

RM		RULE MAKING PETITION	275C2		26-29-06	333.1	45.95	130
FORT MYERS VILLAS		FL DOC-94-155	102.9		82-00-36	153.0	-84.0	SHORT
Received at FCC 02/17/96 per FCC release #2134, 05/24/96; DOC-94-155; COUNTERP ROPOSAL TO DOC-94-155								

WSGL	LIC	STERLING COMMUNICATIONS	276C3	14	26-07-33	81.8	8.026	177
NAPLES		FL BLH-940630KB	103.1	134	81-43-17	261.8	-169	SHORT
DOC-89-434; RM-6866; Ant: Elec. Res. Inc. FML-3C								

RM		DELETION REQUESTED	276C3		26-07-33	81.8	8.026	177
NAPLES		FL DOC-94-155	103.1		81-43-17	261.8	-169	SHORT
Deletion proposed; Received at FCC 02/17/96 per FCC release #2134, 05/24/96; D OC-94-155; COUNTERPROPOSAL TO DOC-94-155								

WSGL	APP	STERLING COMMUNICATIONS	276C2	50DA	26-07-33	81.8	8.026	190
NAPLES		FL BPH-960613IC	103.1	150	81-43-17	261.8	-182	SHORT
Received per FCC release #23766 dated 06/24/96, accepted per 23772 dated 07/02/96								

WFKZ	LIC	KEY CHAIN, INC.	276C3	25	25-01-35	132.8	177.3	177
PLANTATION KEY		FL BLH-950523KB	103.1	68	80-30-30	313.3	.266	CLOSE
Ant: Shiveley 6813-6								

WFKZ	CP	KEY CHAIN, INC.	276C3	25	25-01-35	132.8	177.3	177
PLANTATION KEY		FL BPH-960214ID	103.1	100	80-30-30	313.3	.266	CLOSE
CP Granted 06/13/96 per FCC release #* dated 06/12/96; CP Granted 06/13/96 per FCC release #* dated 06/12/96								

WPBZ → LIC	PALM BEACH RADIO BCG, IN	276C2	50	27-01-31	57.5	190.5	190	
INDIANTOWN		FL BLH-940914KC	103.1	147	80-10-44	238.3	.453	CLOSE
Deletion proposed; Was WOKC-FM 11/17/94 per FCC release #243 dated 11/28/94								

EXHIBIT 1
STERLING COMMUNICATIONS CORP.
NAPLES, FLORIDA

Page 2
October 18, 1996

FM Spacing Study

Title: Sterling Comm Corp.
Channel 276C2 (103.1 MHz)

Latitude: 26-06-56
Longitude: 81-48-03

Call	Auth	Licensee name	Chan	ERP-kW	Latitude	Br-to	Dist.	Req.
City of License	St	FCC File no.	Freq	EAH-m	Longitude	-from	(km)	(km)
RM		CLASS CHANGE TO C1 REQUE	276C2		27-01-31	57.5	190.5	190
INDIANTOWN	FL	DOC-94-155	103.1		80-10-44	238.3	.453	CLOSE
Deletion proposed; Received at FCC 02/17/96 per FCC release #2134, 05/24/96; D OC-94-155; COUNTERPROPOSAL TO DOC-94-155								
RM		CLASS CHANGE FROM C2 REQ	276C1		26-56-22	60.9	191.0	224
INDIANTOWN	FL	DOC-94-155	103.1		80-07-04	241.7	-33.0	SHORT
Received at FCC 02/17/96 per FCC release #2134, 05/24/96; DOC-94-155; COUNTERP ROPOSAL TO DOC-94-155								
WDXD	CP	MICHELLE N. TERZYNSKI	277A	3	29-14-10	11.5	353.2	106
HOLLY HILL	FL	BMPH-950921IC	103.3	96	81-04-23	191.8	247.2	CLEAR
CP Granted 02/20/96 per FCC release #* dated 02/23/96; CP Granted 02/20/96 per FCC release #* dated 02/23/96; Was WAHJ 04/05/96 per FCC release #278 dated 0 4/12/96; Ant: Elec. Res. Inc. LBX-3E								
WPLL	LIC	TK COMMUNICATIONS, LLC	278C	100DA	25-57-59	95.6	160.2	105
FORT LAUDERDALE	FL	BMLH-940613KC	103.5	307	80-12-33	276.3	55.16	CLEAR
Was WSHE 08/19/96 per FCC release #288 dated 08/30/96; DA: Harris TAC-6M-DA @ 0 deg								
WQOL	LIC	COMMODORE MEDIA OF FLORI	279C2	50	27-44-06	36.2	223.6	58
VERO BEACH	FL	BLH-900511KB	103.7	145	80-27-27	216.8	165.6	CLEAR
ORDERED FROM 288A; Was WCXL 03/04/91 per FCC release #153 dated 03/08/91; Ant: BESP-5AC								

>> End of channel 276C2 study <<

SOURCE: DW, INC.

EXHIBIT 2
STERLING COMMUNICATIONS CORP.
NAPLES, FLORIDA

Page 1
October 25, 1996

FM Spacing Study

UPDATED STUDY

Title: STERLING COMM CORP.
Channel 276C2 (103.1 MHz)
Database: DW 10/24/96

Latitude: 26-06-56
Longitude: 81-48-03
Safety zone: 5 km

Call	Auth	Licensee name	Chan	ERP-kW	Latitude	Br-to	Dist.	Req.
City of License	St	FCC File no.	Freq	EAH-m	Longitude	-from	(km)	(km)
=====	=====	=====	=====	=====	=====	=====	=====	=====
WCMQ-FM LIC	SPANISH	BCG SYSTEM OF FL	222C2	31	25-46-29	102.9	165.8	20
HIALEAH	FL	BMLH-931115KC	92.3	189	80-11-19	283.6	145.8	CLEAR
Ant: Elec. Res. Inc. G5CPS-4AE								
WKZY	APP	INTERMART BCG WEST COAST	223C3	8	26-44-23	25.8	76.96	17
LABELLE	FL	BMPH-960829IB	92.5	49	81-27-44	206.0	59.96	CLEAR
Received per FCC release #23825 dated 09/13/96, accepted per 23833 dated 09/25/96								
WHPT	LIC	PAXSON TAMPA LICENSE, LP	273C	100	27-24-30	342.9	150.0	105
SARASOTA	FL	BLH-890126KE	102.5	503	82-15-00	162.7	45.04	CLEAR
Was WHVE 12/30/91 per FCC release #173 dated 12/20/91								
WMXJ	LIC	JEFFERSON-PILOT COMM. CO	274C	100DA	25-57-59	95.6	160.2	105
POMPANO BEACH	FL	BMLH-940613KF	102.7	307	80-12-33	276.3	55.16	CLEAR
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RM		RULE MAKING PETITION	275C2		26-29-06	333.1	45.95	130
FORT MYERS VILLAS	FL	DOC-94-155	102.9		82-00-36	153.0	-84.0	SHORT
Received at FCC 02/17/96 per FCC release #2134, 05/24/96; DOC-94-155; COUNTERP ROPOSAL TO DOC-94-155								
WSGL	LIC	STERLING COMMUNICATIONS	276C3	14	26-07-33	81.8	8.026	177
NAPLES	FL	BLH-940630KB	103.1	134	81-43-17	261.8	-169	SHORT
DOC-89-434; RM-6866; Ant: Elec. Res. Inc. FML-3C								
RM		DELETION REQUESTED	276C3		26-07-33	81.8	8.026	177
NAPLES	FL	DOC-94-155	103.1		81-43-17	261.8	-169	SHORT
Deletion proposed; Received at FCC 02/17/96 per FCC release #2134, 05/24/96; D OC-94-155; COUNTERPROPOSAL TO DOC-94-155								
WSGL	APP	STERLING COMMUNICATIONS	276C2	50DA	26-07-33	81.8	8.026	190
NAPLES	FL	BPH-960613IC	103.1	150	81-43-17	261.8	-182	SHORT
Received per FCC release #23766 dated 06/24/96, accepted per 23772 dated 07/02/96								
WFKZ	LIC	KEY CHAIN, INC.	276C3	25	25-01-35	132.8	177.3	177
PLANTATION KEY	FL	BLH-950523KB	103.1	68	80-30-30	313.3	.266	CLOSE
Ant: Shiveley 6813-6								
WFKZ	CP	KEY CHAIN, INC.	276C3	25	25-01-35	132.8	177.3	177
PLANTATION KEY	FL	BPH-960214ID	103.1	100	80-30-30	313.3	.266	CLOSE
CP Granted 06/13/96 per FCC release #* dated 06/12/96; CP Granted 06/13/96 per FCC release #* dated 06/12/96								
WPBZ	LIC	PALM BEACH RADIO BCG, IN	276C2	50	27-01-51	56.2	184.6	190
INDIANTOWN	FL	BLH-940914KC	103.1	147	80-15-11	236.9	-5.44	SHORT
Deletion proposed; Was WOKC-FM 11/17/94 per FCC release #243 dated 11/28/94								

EXHIBIT 2
STERLING COMMUNICATIONS CORP.
NAPLES, FLORIDA

Page 2
October 25, 1996

FM Spacing Study

Title: STERLING COMM CORP.
Channel 276C2 (103.1 MHz)

UPDATED STUDY

Latitude: 26-06-56
Longitude: 81-48-03

Call City of License	Auth Licensee name St	FCC File no.	Chan Freq	ERP-kW EAH-m	Latitude Longitude	Br-to -from	Dist. (km)	Req. (km)
RM INDIANTOWN	CLASS CHANGE TO C1 REQUE FL	DOC-94-155	276C2 103.1	13 297	27-01-31 80-10-44	57.5 238.3	190.5 .453	190 CLOSE
Deletion proposed; Received at FCC 02/17/96 per FCC release #2134, 05/24/96; D OC-94-155; COUNTERPROPOSAL TO DOC-94-155								

WPBZ → CP INDIANTOWN	PALM BEACH RADIO BCG, IN FL	BPH-950512MI	276C2 103.1	13 297	27-01-32 80-10-43	57.5 238.3	190.5 .492	190 CLOSE
Deletion proposed; Was WOKC 11/07/94 per FCC release #243 dated 11/28/94								

RM INDIANTOWN	CLASS CHANGE FROM C2 REQ FL	DOC-94-155	276C1 103.1	3 96	26-56-22 80-07-04	60.9 241.7	191.0 -33.0	224 SHORT
Received at FCC 02/17/96 per FCC release #2134, 05/24/96; DOC-94-155; COUNTERP ROPOSAL TO DOC-94-155								

WDXD HOLLY HILL	CP MICHELLE N. TERZYNSKI FL	BMPH-950921IC	277A 103.3	3 96	29-14-10 81-04-23	11.5 191.8	353.2 247.2	106 CLEAR
CP Granted 02/20/96 per FCC release #* dated 02/23/96; CP Granted 02/20/96 per FCC release #* dated 02/23/96; Was WAHJ 04/05/96 per FCC release #278 dated 0 4/12/96; Ant: Elec. Res. Inc. LBX-3E								

WPLL FORT LAUDERDALE	LIC TK COMMUNICATIONS, LLC FL	BMLH-940613KC	278C 103.5	100DA 307	25-57-59 80-12-33	95.6 276.3	160.2 55.16	105 CLEAR
Was WSHE 08/19/96 per FCC release #288 dated 08/30/96; DA: Harris TAC-6M-DA @ 0 deg								

WQOL VERO BEACH	LIC COMMODORE MEDIA OF FLORI FL	BLH-900511KB	279C2 103.7	50 145	27-44-06 80-27-27	36.2 216.8	223.6 165.6	58 CLEAR
ORDERED FROM 288A; Was WCXL 03/04/91 per FCC release #153 dated 03/08/91; Ant: BESP-5AC								

>> End of channel 276C2 study <<

SOURCE: DW, INC.

Naples

EXHIBIT 3

FULLY SPACED REFERENCE ALLOCATION SITE MAP

FOR

STERLING COMMUNICATIONS CORP.

NAPLES, FLORIDA

CHANNEL: 276C2

REFERENCE COORDS; LAT: 26,06,56 LON: 81,48,03

PREPARED BY: THE RICHARD L. VEGA GROUP, INC.

WPBZ(FM)

REFERENCE SITE:

Naples Bay










WEKZ(FM)




Kokomis Ferry

Gordon Pass

© 1992 DeLorme Mapping

LEGEND

-  State route
-  Marker
-  City
-  U.S. route
-  Boundary
-  Road
-  State highway
-  U.S. highway
-  Railroad

-  River
-  Shoreline
-  Open water

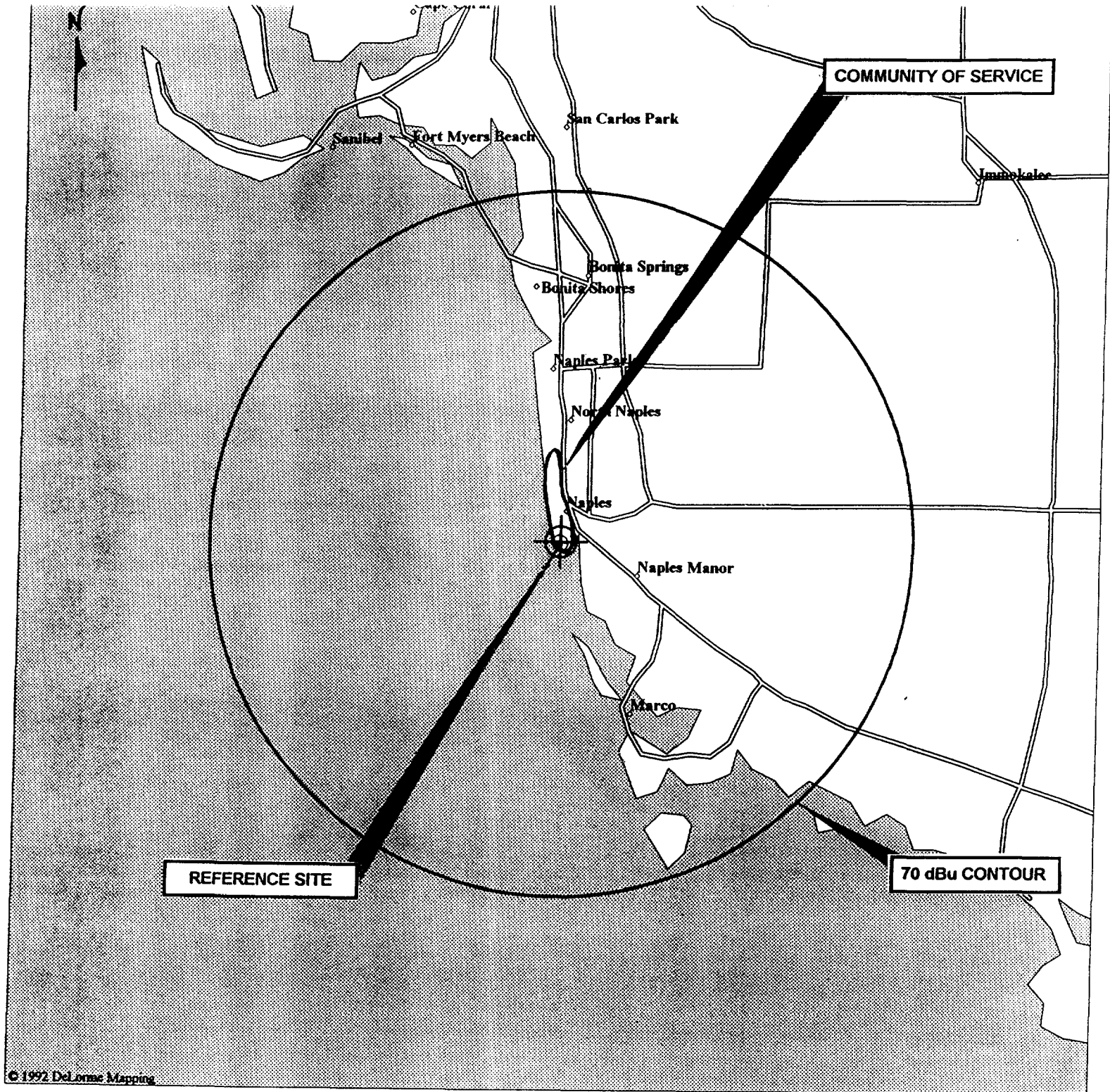
Scale 1:31,250 (at center)

2000 Feet

1000 Meters

Mag 14.00

Fri Oct 18 17:03:43 1996




- LEGEND**
- Small town
 - ══ Interstate highway
 - ══ State highway
 - ══ U.S. highway
 - Island
 - Open water

EXHIBIT 4
70dBu CITY GRADE COVERAGE
FOR
STERLING COMMUNICATIONS CORP.
NAPLES, FLORIDA

CHANNEL: 276C2 (103.1MHz) ERP: 50kW ; 150m HAAT

LAT : 26° 06' 56"
 LONG: 81° 48' 03"

REFERENCE SITE: 

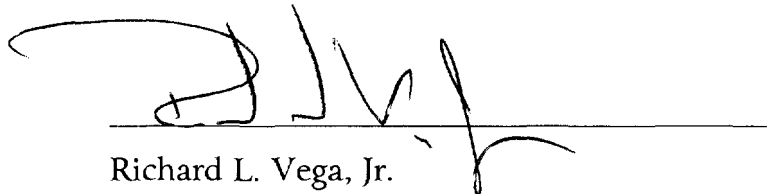
Prepared by: The Richard L. Vega Group

Scale 1:500,000 (at center)
 10 Miles
 10 KM

ENGINEERING AFFIDAVIT

**ON BEHALF OF
STERLING COMMUNICATIONS CORP.**

I, Richard L. Vega, Jr., being first duly sworn, state that I am President of The Richard L. Vega Group, and engineering/communications consulting firm; that my qualifications as technical consultant and expert in radio engineering are a matter of record with the Federal Communications Commission; that the foregoing was prepared by me or under my direct supervision; and that the statements contained herein are true of my own personal knowledge except for those stated to be on information and belief; and to those statements, I believe them to be true and correct.



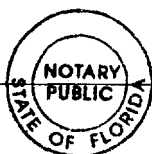
Richard L. Vega, Jr.
The Richard L. Vega Group, Inc.
1245 W. Fairbanks Avenue, Suite 380
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(407) 539-6540

SWORN TO AND SUBSCRIBED before this 24th day of October, 19 96,
by Richard L. Vega, Jr., who is personally known to me and who did take an oath.

NOTARY PUBLIC

Shirley H. Phillips
Sign

Print



SHIRLEY H. PHILLIPS
My Comm Exp. 12/06/98
Bonded By Service Ins
No. CC244733

☐ Personally Known ☐ Other I.D.

My Commission Expires:

Certificate of Service

I, Donald E. Ward, hereby certify that on this 29th day of October, 1996, I have served the foregoing "Opposition" by placing copies thereof in the U.S. Mail, postage prepaid, and addressed to the following:

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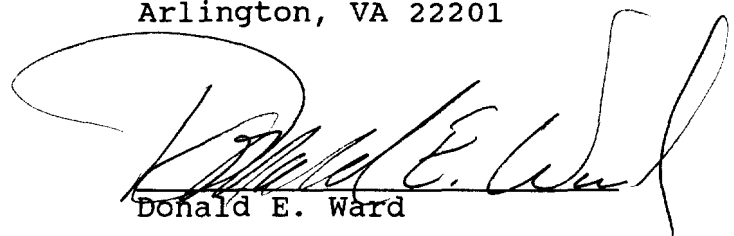
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